

## **Exhibit 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

COSTAR REALTY INFORMATION and  
COSTAR GROUP, INC.,

Plaintiffs,

v.

MARK FIELD D/B/A ALLIANCE  
VALUATION GROUP, *et al.*

Defendants.

Civil Action No. 8:08-CV-663-AW

**EXHIBIT 3 -- AFFIDAVIT OF SAM WU**

I, Sam Wu, make the following certificate under oath:

1. I am over the age of 18 years.
2. I am competent to testify and have personal knowledge regarding the facts contained herein.
3. I am Chief Executive Officer of defendant Pathfinder Mortgage Co.
4. At all material times alleged in the First Amended Complaint, defendant Pathfinder has been in the mortgage business providing various services to its real estate customers.
5. During the times alleged in the Complaint, Pathfinder intermittently engaged the services of co-defendant Mark Field as an independent contractor to perform property appraisals.
6. Pathfinder has been particularly hard hit by the current economic recession.

7. Pathfinder effectively ceased business operations earlier this year.
8. As a result, Pathfinder's former employees no longer work for the company.
9. Pathfinder's records have been placed in long-term storage and no current employee is familiar with the organization or content of those records.
10. After investigating, Pathfinder has been unable to identify any evidence within its control that allows it to determine whether any of its former employees accessed the CoStar database without authorization.
11. Pathfinder uses numerous, alternative sources by which it obtains sales data for the purpose of providing comparable sales in Pathfinder reports. These alternative sources include other deals, other brokers, or other research sources.
12. For the reports generated by Pathfinder, Pathfinder has no use for CoStar's copyrighted photographs, only the non-copyrighted sales comps widely available from numerous sources.
13. Pathfinder has no way of determining whether particular sales comps that might appear in particular reports were derived from the CoStar database or from alternative sources.
14. Pathfinder is unaware of any contractual restriction that would have prohibited Mr. Field from accessing the CoStar database from a Pathfinder computer and making those sales comps available to Pathfinder.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 28, 2009.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sam Wu", is written above a horizontal line.

Sam Wu